Datatreasury Corporation v. Wells Fargo & Company et al Doc. 429

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATA TREASURY CORPORATION, **Plaintiff,** **v.** **WELLS FARGO & COMPANY, et al.,** **Defendants.**	**2:06-CV-72 DF**

AGREED ORDER GRANTING JOINT MOTION TO STAY AND EXTEND DEADLINES

On this day, the Court considered the parties Joint Motion to Stay and Extend Deadlines (the "Joint Motion"). After considering the Joint Motion, the Court is of the opinion that the Joint Motion is meritorious and should be granted. It is therefore,

ORDERED that DataTreasury Corporation must respond to Wells Fargo & Company and Wells Fargo Bank, N.A.'s Motion to Dismiss or, in the Alternative, to Stay Pending Arbitration (the "Motion to Dismiss") on or before February 6, 2007. Accordingly, Wells Fargo & Company and Wells Fargo Bank, N.A.'s reply, if necessary, will be due on or before February 16, 2007, and DataTreasury Corporation's surreply, if necessary, will be due on or before March 1, 2007. It is further ordered that all other discovery and motion practice between DataTreasury Corporation, Wells Fargo & Company, and Wells Fargo Bank, N.A. is hereby stayed pending this Court's ruling on the merits of the Motion to Dismiss, subject to the following provision. Neither party is currently aware of any discovery or motion practice related to discovery that is necessary for the Court to determine Wells Fargo's Motion to Dismiss. To the extent either party later determines that limited discovery or motion practice related to such discovery is

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needed solely with regard to the Court's determination of the Motion to Dismiss, the parties shall meet and confer to attempt to agree on whether the proposed discovery or motion practice related to the proposed discovery is appropriately limited to and directly pertaining to a determination of arbitrability. If the parties are unable to so agree, the disputed discovery or motion practice related to the discovery shall be submitted to Magistrate Judge Craven, the appointed Discovery Master in this lawsuit, for consideration and ruling.

SIGNED this 22nd day of January, 2007.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE

AGREED AND ENTRY REQUESTED:

By: /s/ W. Barton Rankin___________
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